

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

REYNALDO SANCHEZ,

Petitioner,

v.

Civil Action No. 2:20-cv-35

JUSTIN ANDREWS, Warden,

Respondent.

FINAL ORDER

Before the Court is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241, ECF No. 1, and the Respondent's Motion to Dismiss, ECF No. 7. Petitioner was serving a 60-month sentence for Attempted Possession with Intent to Distribute Oxycodone in violation of 21 U.S.C. § 846 and Possession with Intent to Distribute Cocaine in violation of 21 U.S.C. § 841(a)(1). ECF No. 2 at 3.

In his petition, Petitioner is challenging an October 3, 2018 disciplinary proceeding in which he was sanctioned with, among other things, a loss of 41 days of good conduct time for possession of a weapon. *See* ECF No. 1 at 9.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation entered on

December 14, 2020, the Magistrate Judge recommended the motion to dismiss be granted, and the petition be denied and dismissed with prejudice. ECF No. 11.

The parties were advised of their right to file written objections to the Report and Recommendation. Neither Petitioner nor Respondent filed objections with the Court and the time to do so has expired. Therefore, this Court has proceeded with examining the merits of the Report and Recommendation under the applicable standards of review.

Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation, ECF No. 11, in its entirety as the Court's own opinion. Accordingly, Respondent's motion to dismiss, ECF No. 7, is **GRANTED**, and the Petition, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**.

It is **ORDERED** that judgment be entered in favor of Respondent.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered.

Because Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. *See Miller-El v. Cockrell*, 537 U.S. 322, 335—36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner Reynaldo Sanchez and counsel of record for the Respondent.

It is so **ORDERED**.

/s/

Arenda L. Wright Allen
United States District Judge

March 29, 2021
Norfolk, Virginia